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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Andrew C Chen  
Blakely Sokoloff Taylor & Zafman LLP  
Seventh Floor  
12400 Wilshire Boulevard  
Los Angeles, CA 90025-1026

EXAMINER

NGUYEN, JENNIFER T

ART UNIT

PAPER NUMBER

2674

DATE MAILED: 11/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/687,262

Applicant(s)

FARAG ET AL.

Examiner

Jennifer T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Office Action is responsive to Amendment filed on 08/28/2002.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang et al (U.S. Patent No. 6,469,693) in view of Pejic et al. (U.S. Patent No. 5,956,018).

Regarding claim 1, referring to Fig. 14, Chiang teaches a computer mouse (70) comprising: a base member (74); a top member (72) pivotally coupled to said base member (74); wherein said top member (72) forms an integral housing and button (col. 2, lines 14-16).

Chiang differs from claim 1 in that he does not specifically teach the base member having hold regions and the top member having a main surface configured to leave said hold regions substantially exposed. However, Pejic teaches base member having hold regions (30) and the top member having a main surface configured to leave said hold regions (30) substantially exposed (see figure 1D, col. 2, lines 19-20 and col. 5, lines 24-27, and lines 31-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the base member having hold regions and the top member having a main surface configured to leave said hold regions substantially exposed as taught by Pejic in the system of Chiang in order to provide more comfortable mouse usage for a variety of

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users and allow a user to continue a click and drag operation by lifting and repositioning the mouse while maintaining the mouse button in a clicked position.

Regarding claim 2, Chiang further teaches the computer mouse, wherein said top member does not include a separate button (col. 2, lines 14-16 of Chiang).

Regarding claims 3 and 4, the combination of Chiang and Pejic teaches the computer mouse, wherein said hold regions (30) allow said top member to be maintained in a clicked position when the computer mouse is removed from a surface and said hold regions are substantially flush with said main surface of said top member (see figure 1D of Pejic, and lines 1-2 and 10-13 of abstract section).

Regarding claims 5 and 8, it would have been obvious to obtain the hold regions comprise first and second vertically extending tabs located on opposite sides of the base member in order to provide a mouse that may be used easily by users having different hand sizes or different degree of coordination.

Regarding claim 6, it would have been obvious to obtain the first and second vertically extending tabs are integrally formed with the base member in order to reduce the size, weight and the cost of the device.

Regarding claim 7, it would have been obvious to obtain the top member comprises first and second opening shaped to accommodate said first and second vertically extending tabs, respectively in order to provide a mouse that may be used easily by users having different hand sizes or different degree of coordination.

Regarding claim 9, referring to Fig. 14, Chiang further teaches a computer mouse (70) having a button is a top housing (72) of the computer mouse (70) (col. 2, lines 14-16 of Chiang).

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Chiang differs from claim 1 in that he does not specifically teach a first side ear and a second side ear wherein said first and second side ears are concurrently graspable to lift the computer mouse while maintaining a button of the computer mouse in a depressed position. However, Pejic teaches a computer mouse comprising a first side ear (30) a second side ear (30) wherein said first and second side ears are concurrently graspable to lift the computer mouse while maintaining a button of the computer mouse in a depressed position (col. 5, lines 31-34 of Pejic).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the first side ear and a second side ear wherein said first and second side ears are concurrently graspable to lift the computer mouse while maintaining a button of the computer mouse in a depressed position as taught by Pejic in the system of Chiang in order to provide a space saving or make available additional space in computer system.

Regarding claims 10 and 11, it would have been obvious to obtain the first and second side ears are substantially rigid and first and second side ears are capable of accommodating a user's thumb and one of a user's other fingers in order to provide user more comfortable and easy for lift the device to hold and use it in space or to grip the device and use it while on a supporting surface.

Regarding claims 12 and 13, the combination of Chiang and Pejic teaches the computer mouse wherein said first and second side ears (30) extend from a base and said first and second side ears (30) are located on opposite sides of said base (see figure 1D of Pejic).

Regarding claim 14, referring to Fig. 14, Chiang further teaches a computer mouse (70) comprising: a depressible housing (72) coupled to said base (74) such that said base (74) is covered by said housing (72) (col. 2, lines 14-16 of Chiang).

Chiang differs from claim 14 in that he does not specifically teach a base having a first fixed portion and a second fixed portion wherein said first and second fixed portions are accessible through said depressible housing when said depressible housing is depressed.

However, Pejic teaches a base having a first fixed portion (30) and a second fixed portion (30) wherein said first and second fixed portions are accessible through said depressible housing when said depressible housing is depressed (col. 2, lines 19-20 and col. 5, lines 24-27, and lines 31-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the first fixed portion and the second fixed portion wherein said first and second fixed portions are accessible through said depressible housing when said depressible housing is depressed as taught by Pejic in the system of Chiang in order to provide more comfortable mouse usage for a variety of users and allow user to continue a click and drag operation by lifting and repositioning the mouse while maintaining the mouse button in a clicked position.

Regarding claim 15, Chiang further teaches the computer mouse, wherein not all of said depressible housing is depressible (col. 3, lines 7-13 of Chiang).

Regarding claim 16, the combination of Chiang and Pejic teaches the computer mouse

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wherein said first and second fixed portions (figure 1D of Pejic) and said depressible housing are capable of being held concurrently to lift the computer mouse off a surface (col. 5, lines 31-34 of Pejic).

Regarding claims 17-19, the combination of Chiang and Pejic differs from claims 17-19 in that it does not specifically teaches an adjuster coupled to the base member, said adjuster to control a force required to push said top member. However, it would have been obvious to obtain an adjuster coupled to the base member, said adjuster to control a force required to push said top member in order to increase or decrease the force required to depress on the top member to effect a mouse click.

4. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jennifer T. Nguyen** whose telephone number is **703-305-3225**. The examiner can normally be reached on Mon-Fri from 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reach at **703-305-4709**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, DC. 20231

**Or faxed to: 703-872-9314 (for Technology Center 2600 only)**

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, sixth-floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Technology Center 2600 Customer Service Office whose telephone  
number is 703-306-0377.

Jennifer T. Nguyen  
Patent Examiner  
Art Unit 2674



RICHARD HUERPE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600